

## **Commentary: Norris Schmidt, Philadelphia's First African-American Firm, Is a Model for All Firms**

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I had already planned to write this article, but the May passing of the Hon. Clifford Scott Green, a giant in the legal profession in Philadelphia, made this mission all the more imperative.

Furthermore, with so much focus -- and rightly so -- on diversity in our profession today, a historical account of the profession as it existed in the 1950s and '60s should add some valuable perspective to the current discussions.

In 1951, Cliff Green graduated with honors from the Temple University Law School. At Temple, he was an avid participant in moot court and served as a member of the *Temple Law Quarterly*.

Shortly after his graduation from law school, Green, along with Harvey Schmidt and Doris Mae Harris (a female name partner, which was a rarity at that time), formed the law firm of Green Schmidt & Harris. Soon, the three grew to five as the original partners were joined by A. Leon Higginbotham, a young lawyer and gifted scholar from Yale Law School who had locked horns with Cliff Green when both were on the moot court teams of their respective law schools, and J. Austin Norris, a seasoned and universally respected attorney.

Norris, a smart, hard-driving, Yale-trained attorney, was a power in his own right owing to, among other things, his political connections, his street smarts, his business acumen, his serving as Secretary of the Board of Revisions of Taxes and his representation of African-American newspapers and churches. It is for those reasons that his became the lead name of the firm.

Other luminaries would later join the firm, including William H. Brown III, who was a 1955 graduate of the University of Pennsylvania Law School, former Commonwealth Court Judge Robert Williams, former Eastern District of Pennsylvania Judge Herbert J. Hutton, former dean of Duquesne Law School Ronald Davenport and former U.S.

Magistrate Judge William Hall, to name a few. Little did they know at the time that they all would become giants in the legal profession.

Norris Schmidt Green Harris Higginbotham & Brown is often referred to as Philadelphia's first African-American law firm. However, one could argue that that firm was one of the city's best law firms, regardless of ethnicity. Indeed, that firm served as a model for many of the non-African-American full-service law firms that we see today.

Notably, Norris Schmidt achieved its success in the face of seemingly insurmountable odds. In other words, it forged a way when there was no way. At a time when talented attorneys like William T. Coleman Jr., who graduated first in his class from Harvard Law School and was editor of the *Harvard Law Review*, could not get a job at any white-shoe law firm in New York or Philadelphia until he was hired by Richardson Dilworth, Norris Schmidt stood as a bulwark for African-American attorneys who saw very limited or no work opportunities at Philadelphia law firms.

The best and brightest African-Americans went to Norris Schmidt in part because there was no other place for them to go, regardless of their credentials and abilities.

As stated by Cliff Green, who had the highest passing grade of anyone on the Pennsylvania Bar Examination in 1951, "When I graduated from law school, I didn't have to review my options because there weren't any."

Undeterred by the discriminatory climate of the day, Norris Schmidt produced many of the superstars of our profession: our beloved Clifford Scott Green, former U.S. District Court judge for the Eastern District of Pennsylvania; A. Leon Higginbotham, former chief judge of the 3rd U.S. Circuit Court of Appeals (who should have been nominated to the U.S. Supreme Court); Harvey Schmidt, Doris Mae Harris, Eugene Clark and Thomas Reed, all former judges of the Court of Common Pleas; Mansfield Neal, former counsel at General Electric; William H. Brown III, former chairman of the U.S. Equal Employment Opportunity Commission and former partner and, now, senior counsel at Schnader Harrison Segal & Lewis; as well as the aforementioned William Hall, judges Williams and Hutton and Dean Ronald Davenport.

Hence, it is incorrect to label Norris Schmidt Green Harris Higginbotham & Brown as just Philadelphia's or Pennsylvania's first black-owned law firm or to merely state that it was prominent. This was the best assemblage of legal talent in Philadelphia.

Each of the named and other partners and lawyers at Norris Schmidt brought with them their own unique portfolio of excellence. What a formidable combination of smarts and community involvement they were. The young and gifted attorneys in the firm began trying cases almost immediately after passing the bar.

"We were so far ahead of our law school contemporaries," said Bill Brown. "I was trying cases two weeks after I passed the bar while it took some of my classmates up to five years." When the firm began to get civil casework, unlike their majority counterparts, the

lawyers of Norris Schmidt were not allowed by their clients to settle those cases; they had to try them. They won verdicts in excess of demands before white judges and predominantly white juries. Everyone in the Philadelphia legal community began to take note of this remarkable firm and its outstanding attorneys.

The attorneys of Norris Schmidt also had a hand in changing the legal landscape in Pennsylvania. The firm, led by Austin Norris, demanded an examination of the bar admission practices in Pennsylvania. For a period of almost 20 years, no African-American passed the Pennsylvania Bar Examination. Members of the firm believed that this was based, in part, on the fact that in the 1950s, every applicant for admission to the bar was required to submit a picture with his or her application. During the duration of this practice, very few, if any, African-Americans passed the bar exam, although the same persons were able to pass other states' bar exams.

Due to the work of the firm, a commission, consisting of judges Paul A. Dandridge, Clifford Scott Green and Ricardo Jackson, as well as Bourne W. Ruthrauff and Peter J. Liacouras, was established by the chancellor of the Philadelphia Bar Association to investigate and issue a report concerning Pennsylvania's bar examination process. When the old practices were abandoned, the passage rate for African-Americans rose significantly.

All of the attributes of a successful law firm and successful attorneys were embodied in Norris Schmidt. From smart lawyering to business acumen to community involvement, they had it all. After reviewing the above, I do not believe that a viable discussion about diversity can take place in Philadelphia in the absence of knowledge about the history of the law firm of Norris Schmidt. In 2007, when so-called legal scholars still question the abilities of African-American attorneys and their presence in prominent law firms, we should all remember that the attorneys of Norris Schmidt began debunking such myths more than a half-century ago.

The unparalleled achievements of these pioneers, in the face of widespread discrimination in the legal profession, are something to be applauded. We all should stand proudly on the shoulders of these giants and shout over the rooftops of the row houses in the neighborhoods and over the crowns of the Center City office towers in acknowledgement of past greatness and in rejection of current assaults.

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